

Message

From: Perlis, Robert [Perlis.Robert@epa.gov]
Sent: 5/31/2018 2:17:40 PM
To: OGC Immediate Office MGMT [OGC_Immediate_Office_MGMT@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Mosby, Jackie [Mosby.Jackie@epa.gov]
Subject: NEW LITIGATION - States of New York, California, and Maryland v Pruitt (S.D. NY 1:18-cv-04739); and Rural & Migrant Ministry v EPA (S.D. NY 1:18-cv-04743) - FIFRA/APA
Attachments: NY v Pruitt - WPS training material.pdf; Rural & Migrant Ministry v EPA - WPS training material.pdf

On May 30, 2018, two similar complaints (one filed by 3 States, the other by 5 NGO's) were filed in the Southern District of New York challenging EPA's failure to publish a notice of availability in the Federal Register of updated farmworker safety training materials. When EPA updated its regulations revising the pesticide Worker Protection Standard (WPS -the regulations establishing requirements to reduce farmworker occupational risks to pesticides) in 2015, the amended regulation required that farmworker training (which is required to be performed by agricultural employers if workers have not been trained by anybody else) be conducted using updated training material developed by EPA that addresses the 2015 amendments 180 days after EPA published a notice of availability of the updated training material in the Federal Register. EPA has developed the updated training material, but has not published a notice of availability because the agency intends to propose amendments to the WPS. The result is that the new substantive requirements adopted in 2015 are enforceable, but the training materials used to run training sessions for workers do not have to reflect the 2015 amendments. Copies of the complaints are attached.

Bob Perlis
Pesticides and Toxic Substances Law Office
Office of General Counsel
US EPA
(202) 564-5636